

MINUTES

UTAH OPTOMETRY LICENSING BOARD MEETING

January 22, 2007

**Room 475 – 4th Floor – 9:00 A.M.
Heber Wells Building**

CONVENED: 9:21 A.M.

ADJOURNED: 10:16 A.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

Bill G. Codner, OD, Chairperson
Jeffrey H. Seeholzer, OD
Wendy D. Gibbs
D. Lee Tanner, OD
Russell W. Purdy, OD
Bonnie B. Rice
Dane F. Dansie, OD

Guests:

F. David Stanley, Division Director
Clive Watson, Utah Optometric Association

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Read and approve the October 23, 2006 Minutes.

Dr. Tanner made a motion to approve the minutes as read. Ms. Rice seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

10:00 A.M.

Rick S. Robison, OD, Probationary Interview

Dr. Robison met for his probationary interview.

Mr. Stanley was introduced to Dr. Robison.

Dr. Codner conducted the interview.

Dr. Codner stated that the Board reviewed the

reports that were previously submitted. He thanked Dr. Robison for attaching a typed page of each report as it was easier to read. He asked Dr. Robison if he had the additional information Ms. Taxin had requested.

Dr. Robison stated that he had the information Ms. Taxin requested he submit for the Board to review. Dr. Robison read Dr. Brewer's addendum regarding his documentation. He then submitted the report for his file.

Dr. Robison commented that he has had a number of insurance companies and Pharmacies call him for his DEA number. He stated that he gives out his Utah license number but they do not want that number. He stated that the insurance companies are not paying their share of prescriptions unless he has a DEA number even when the prescriptions are not for controlled substances. He stated that some of the medications are quite expensive and prohibitive for the patient to pay the full cost. Dr. Robison asked the Board if they have any advice on how to remedy the problem.

Dr. Codner responded that he has heard that it is an issue in other States.

Dr. Purdy responded that AOA has a form on their website that he can download, complete and submit to register a complaint. He stated that AOA should notify the insurance companies to cease and desist and pay their share for the prescriptions. Dr. Purdy stated that the policy hurts the patient and Dr. Robison should get his complaint submitted.

Dr. Robison thanked the Board for the information and stated that he will fill out the form and submit it to AOA.

Ms. Taxin requested Dr. Robison to share with the Board how he will handle himself if he gets into the position of being overly stressed again.

Dr. Robison responded that everyone has stress. He stated that he was overly stressed when he started to have problems and found it was easier to take a pill to

ease the stress than it was to find ways to deal with the stress. He stated that statistics show that the brain learns to want the pills. Dr. Robison explained that he has now been off the pills long enough that his brain no longer turns that direction. He stated that when he is stressed he now exercises or talks it out with people and does not hold it in until he craves the drugs. Dr. Robison stated that an honest recovering addict will say "once an addict, always an addict". He stated that the key is to avoid situations that got you there in the first place. He stated that he now thinks about the consequences and finds it is easier to use other techniques that he has learned than to turn to drugs. He stated that he still attends AA meetings regularly and his sponsor has become a good friend who he can call and talk with when necessary.

Dr. Codner thanked Dr. Robison for sharing his thoughts. He stated that the Board would like to move his appointments from every 3 months to 6 months, which would have him meeting again August 1, 2007.

Dr. Codner noted that Dr. Robison's probation goes to 2009. He stated that if Dr. Robison would like the Board to consider early termination of probation he should write a formal request and request his supervisors to also write their comments and include their recommendation.

Ms. Taxin commented that Dr. Robison should write where he was when he started his probation, where he is now and how he plans to stay where he is now in order to be a healthy practitioner.

Dr. Robison responded that he would like to treat more medical cases and cannot do that until he is off probation. He stated that he has had some offers to work in private practice but cannot accept until he is off probation. He stated that he would like to be on some insurance panels but cannot apply until he is off probation.

Dr. Robison asked if he should submit the letters prior to the meeting or bring them with him to the August 1, 2007 meeting.

Ms. Taxin responded that the supervisors reports should be submitted at least 2 weeks prior to the Board meeting in order to prepare his file for the Board to review but he may submit his termination of probation request early or bring it with him to the meeting.

An appointment was made for Dr. Robison to meet again August 1, 2007.

DISCUSSION ITEMS:

FYI

The Board noted the appointment of F. David Stanley as Division Director.

Dr. Codner asked Mr. Stanley to give a short background of himself for the Board.

Mr. Stanley stated that his background is in construction. He stated that he has been with the Division for about 2 years working with the contractors and was the County Public Works Director for 4 years prior to that.

Dr. Codner thanked Mr. Stanley for sharing his background. He stated that Craig Jackson often attended the Optometry meetings and, when appropriate, gave the Board valuable input. He stated that Mr. Stanley is also welcome at any time and to feel free to make comments in the meetings.

2007 Board Meeting Schedule

The Board requested the April 16 meeting be moved to April 18, the July 30 meeting be moved to August 1 and the October 15 meeting be moved to October 17. The Board noted that meetings may be cancelled if there is no Board business to conduct or there may be meetings added if there is additional Board business to conduct.

CORRESPONDENCE:

AOA Notification of Actions taken by the ACOE at its Fall Meeting

The Board noted the information with no action taken.

FDA Information regarding Contact Lens

Dr. Tanner informed the Board that the FDA information states their policy that all contacts are deemed eye devices and must be dispensed only upon

written prescriptions. He stated that all contacts also includes colored non-prescription lens that are used for cosmetic purposes.

Board members commented that the FDA policy will assist in protecting the public.

NEBO National Registry Information

The Board noted the information with no action taken.

Association Newsletter, December 30, 2006

The Board noted the information with no action taken.

The Green Sheet with Registration Information for the June 24-26, 2007 Annual Meeting

Ms. Taxin informed the Board that the Green Sheet has the registration information for the June 24-26, 2007 Annual Meeting. She asked if any Board members were interested in attending.

Dr. Dansie responded that he attended last year and is of the opinion that it is beneficial for one Board member to attend several Annual meetings for continuity. He stated that he would be interested in attending again this year if no other Board member was interested.

Board members recommended Dr. Dansie attend and report back to the Board.

FYI

Ms. Taxin shared an e-mail from Paul Lorenzo requesting the Board to define ophthalmic devices.

Dr. Purdy responded that several years ago the Board had discussion regarding a low vision facility. He stated that he did not remember defining ophthalmic devices in respect to treating eye diseases.

Dr. Seeholzer asked if Mr. Lorenzo is trying to locate a definition in order to charge an insurance company for an ophthalmic device.

Ms. Taxin responded that she did not know.

Dr. Purdy asked if Mr. Lorenzo is licensed as an Optometrist.

Ms. McCall checked the licensing program and

responded that Mr. Lorenzo is not licensed as an Optometrist.

Ms. Taxin recommended Dr. Codner contact Mr. Lorenzo to discuss his questions and report back to the Board.

Board members concurred with the assignment.

Dr. Tanner reviewed the Laws and Rules and noted that ophthalmic lens is mentioned and defined in 58-16a-102(8). He stated that ophthalmic devices are mentioned in 58-16a-102(11)(c).

Dr. Dansie commented that the Board discussed the requirement of having an Optometrist on staff at the low vision facility.

Mr. Watson reported that the low vision Optometrist has now moved out of Utah but does fly in on an as needed basis. He stated that the Optometrist is still reviewing and processing all the patients. Mr. Watson commented that the position has been posted and, to date, no one has made any contact regarding an interest in the position.

Dr. Dansie stated that he heard the Optometrist moved out of Utah and does the services remotely. He stated that direct supervision means that the Optometrist is on the premises.

Mr. Watson stated that the low vision employees have provided a good program in serving the public who are referred to them. He stated that they would make changes necessary if the Board has an issue with the current status.

Dr. Codner asked who appoints the Optometrist and pays him.

Dr. Tanner responded that the Division of Services for the Blind and Visually Impaired hires and pays the Optometrist.

Ms. Taxin recommended the Division and Board find out how often the Optometrist flies in and then discuss what is reasonable to maintain the position and protect

the public.

Dr. Tanner stated that he filled in for the agency until the Optometrist was hired. He stated he questions if the staff are doing examinations of patients and the Optometrist is signing off on the examinations. He stated that when he was affiliated with the agency the Board determined that the staff is doing the examinations and when they are doing the examinations they must have the Optometrist there to supervise. Dr. Tanner stated that all the patients have been referred to be in the program but if staff members are doing examinations and some treatments they need the Optometrist available to make the decisions.

Dr. Codner asked if it is in the scope of the duties of the Board to check into the low vision agency practice.

Ms. Taxin responded that it would be within the scope of the Division to investigate if a complaint came in. She stated that the agency needs to be sure they are meeting the requirements of the Laws and Rules and, if they are not, they need to make changes to be in compliance.

Ms. Taxin again recommended Dr. Codner contact Mr. Lorenzo regarding the issues and report back to her.

NEXT MEETING SCHEDULED FOR:

April 18, 2007

MEETING ADJOURNED AT:

10:16 A.M.

August 1, 2007
Date Approved

(ss) Dane F. Dansie, OD
Chairperson, Utah Optometry Licensing Board

January 29, 2007
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing